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EXTRAORDINARY

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PART II—Section 2

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 23rd August, 1985:—

BILL No. 145 of 1985

A Bill to provide for certain agencies to ensure freedom of having access to and obtaining public information for the citizens and for matters connected therewith.

Be it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Freedom of Information Act, 1985.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent
and
com-
mence-
ment.

2. Notwithstanding anything contained in any other Act for time being in force, no citizen of India shall be denied the freedom to have access to or to obtain information relating to public affairs save as otherwise provided in this Act.

Citizens
not to be
denied
freedom
of infor-
mation.

3. (1) The Central Government shall constitute such number of agencies to be called the National Information Bureau (hereinafter referred to as Bureau) in every State and Union territory as it may consider necessary for ensuring the freedom of having access to and obtaining public information for the citizens.

Constitu-
tion of
National
Informa-
tion
Bureaus.

(2) Each Bureau shall consist of such number of advisors as the Central Government may determine from time to time.

(3) Each Bureau shall have a Chief of Bureau to function as its head who shall be appointed by the Central Government.

(4) The Advisors to a Bureau shall be appointed by the Central Government on the advice of its Chief of Bureau in such manner that they represent the concerned sectors of public information and are capable of ensuring freedom of having access to and obtaining as much public information for the citizens as the Bureau may find it possible to make available to the public for inspection and copying.

Classifi-
cation of
informa-
tion.

4. Each Bureau shall classify all information available with or to be made available to it, in such manner as it may deem practicable and convenient keeping in view the nature and source of the information.

Exemp-
tion of
certain
types of
informa-
tion
from dis-
closure.

5. Certain types of information may, by Executive Order, be declared by the Central Government or the Governments of the States or the Administrations of the Union territories, as secret in the interest of national defence or foreign policy or judicial process or maintenance of public peace or law and order or such other matters as may be so declared from time to time and shall be exempt from disclosure under this Act.

Reports.

6. Each Bureau shall submit a Quarterly Report on its working to the Governor of the State or the Lieutenant Governor or other such authority of the Union territory who shall forward the same to the President, as early as practicable, with his comments and recommendations thereon.

Obliga-
tion to
supply
informa-
tion.

7. Subject to the provisions of section 5, it shall be obligatory on the part of each Bureau to make available the maximum possible information to the citizens and also on the part of the Central Government and the Governments of the States and the Administrations of the Union territories to make available to the respective Bureau as much information as possible on priority basis.

Complaint
and
appeal.

8. In every case of denial or undue delay in the supply of information any citizen requesting for the information shall have the opportunity to make a complaint to the Chief of Bureau in regard thereto, in the first instance, and to make a first appeal to the Governor or the Lieutenant Governor as the case may be and the second appeal to the President, against the decision of the Chief of Bureau, the Governor or the Lieutenant Governor, as the case may be.

Fees for
informa-
tion.

9. Each Bureau shall charge such fees for making available any information as it may deem adequate in respect of each class of information.

Officers
and
staff.

10. Each Bureau shall have a Secretary and such other Officers and staff as may be considered necessary from time to time to execute the work of the Bureau efficiently.

STATEMENT OF OBJECTS AND REASONS

There is widespread discontent among the masses leading to all sort of turmoil and disturbances in almost all parts of the country, particularly directed against the Government of the day. Among other things, one of the basic causes of this disturbing phenomenon is ignorance or lack of adequate information available to the people leading to mistrust among them regarding the working and the pronouncements of the Government. It is time to recall and act in the spirit of the famous dictum of Abraham Lincoln that Democracy is Government of the people, for the people and by the people. In this direction it is felt imperative that there should be some legislation to start with providing for the freedom of information to the people.

Hence this Bill.

NEW DELHI;
July 15, 1985.

THAMPAN THOMAS

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of such number of the National Information Bureaus in each State and Union territory, as may be considered necessary, by the Central Government. Clause 10 provides for the appointment of a Secretary for each Bureau and such other officers and staff as may be considered necessary from time to time for the work of the Bureau efficiently. Though there is provision for charging adequate fees to meet the expenses involved in carrying out the purposes of the Bill, yet the provisions when enacted and brought into operation would involve expenditure from the Consolidated Fund of India.

There is likely to be a non-recurring expenditure of approximately rupees fifty lakhs and a recurring per year expenditure of about the same order.

BILL No. 137 OF 1985

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

- | | |
|---|--------------------------|
| 1. This Act may be called the Constitution (Amendment) Act, 1985. | Short title. |
| 2. In article 19 of the Constitution, in clause (1), after sub-clause (g), the following new sub-clause shall be inserted, namely:—

“(h) to follow the personal law of the group, community or denomination to which he belongs or professes to belong.” | Amendment of article 19. |
| 3. In article 25 of the Constitution, after clause (2), the following new clause shall be inserted, namely:—

“(3) Nothing in clause (2), save and except the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus, shall affect the right of any person to follow the personal law of the group, community or denomination to which he belongs or professes to belong.” | Amendment of article 25. |
| 4. In article 44 of the Constitution, the following proviso shall be added, namely:—

“Provided that no group, community or denomination shall be obliged to give up its own personal law in case it has such a law.” | Amendment of article 44. |

STATEMENT OF OBJECTS AND REASONS

Article 44 of the Constitution envisages abrogation of the personal laws of the various groups, communities and denominations of our people. This is a serious negation of our cherished policy of unity in diversity and represents a reversal of our pre-independence thinking and ideal. It demolishes the fundamental right to freedom of religion and conscience (article 25) as well as the right of any section of our citizens to conserve its culture (article 29). For Muslims, in particular, the Muslim Personal Law is an inalienable part of religion, and a Muslim must adhere to it lest he should cease to be a Muslim.

The Bill seeks to exempt personal laws from the purview of any uniform civil code and provides that no group, community or denomination shall be obliged to give up its own personal law. Amendments to article 19 and 25 of the Constitution simply clarify the right of every person to follow his personal law.

NEW DELHI;

G. M. BANATWALLA

July 13, 1985.

BILL No. 156 OF 1985

A Bill to provide for the establishment of a Broadcasting Corporation for India to be known as Prasar Bharati, to define its composition, functions and powers and to provide for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Prasar Bharati (Broadcasting Corporation of India) Act, 1985.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

(a) "Akashvani" means the offices, stations and other establishments, by whatever name called, which immediately before the appointed day form part of or are under the Directorate General, All India Radio, of the Union Ministry of Information and Broadcasting;

(b) "appointed day" means the date appointed under section 3;

(c) "broadcasting" means the dissemination of any form of communication by the wireless transmission of writing, signs, signals, pictures, images and sounds of all kinds by means of Hertzian waves intended to be received by the public either directly

Short
title,
extent
and com-
mence-
ment.

Defini-
tions.

or through the medium of relay stations and all its grammatical variations and cognate expressions shall be construed accordingly;

(d) "Chairman" means the Chairman of the Corporation appointed under section 4;

(e) "Complaints Board" means the Board established under section 13;

(f) "Corporation" means the Prasar Bharati (Broadcasting Corporation of India) established under section 3;

(g) "Director General" means the Director General of the Corporation appointed under section 5;

(h) "Doordarshan" means the offices, kendras and other establishments, by whatever name called, which immediately before the appointed day form part of or are under the Directorate General, Doordarshan of the Union Ministry of Information and Broadcasting;

(i) "kendra" means any telecasting centre with studios or transmitters or both and includes a relay station;

(j) "member" means a member of the Corporation;

(k) "Non-lapsable Fund" means the fund created from the commercial revenues of Akashvani and Doordarshan to meet expenditure on certain schemes;

(l) "non-official member" means a member appointed under clause (b) of sub-section (4) of section 3;

(m) "notification" means a notification published in the Official Gazette;

(n) "prescribed" means prescribed by rules made under this Act;

(o) "Recruitment Board" means a board established under sub-section (1) of section 10;

(p) "Regulations" means regulations made under this Act;

(q) "Renewal and Replacement Fund" means the fund created out of the Consolidated Fund of India to replace the capital equipment of Akashvani and Doordarshan in a phased manner;

(r) "station" means any broadcasting station with studios or transmitters or both and includes a relay station;

(s) "year" means the financial year.

CHAPTER II

PRASAR BHARATI (BROADCASTING CORPORATION OF INDIA)

3. (1) With effect from such date as the Central Government may, by notification, appoint in this behalf, there shall be established for the purposes of this Act a Corporation to be known as the Prasar Bharati (Broadcasting Corporation of India).

(2) The Corporation shall be a body corporate by the name aforesaid, having perpetual succession and a common seal with power to acquire, hold and dispose of property, both movable and immovable, and to contract and shall by the said name sue and be sued.

Establishment and composition of Corporation.

(3) The headquarters of the Corporation shall be at New Delhi and the Corporation may establish offices, kendras or stations at other places in India and, with the previous approval of the Central Government, outside India.

(4) The Corporation shall consist of the following members, namely:—

(a) the Chairman;

(b) not more than eleven and not less than seven non-official members, to be appointed by the President from amongst persons of eminence in public life or persons having special knowledge, practical experience in respect of such matters as education, literature, culture, arts, music, dramatics, journalism, administration, management and technical and legal aspects of broadcasting;

(c) the Secretary, Union Ministry in charge of Finance, or if there are more such Secretaries than one, such one of them as may be appointed in this behalf by the Central Government, ex-officio;

(d) Secretary, Union Ministry in charge of Information and Broadcasting or, if there are more such Secretaries than one, such one of them as may be appointed in this behalf by the Central Government ex-officio;

(e) the Director General.

(5) The Corporation may appoint such committees as may be necessary for the efficient performance, exercise and discharge of its functions, powers and duties;

Provided that all or a majority of the members of each such committee shall be members of the Corporation and a member of any such committee who is not a member of the Corporation shall have only the right to attend the meetings of the committee and take part in the proceedings thereof, but shall not have the right to vote.

(6) The Corporation may associate with itself in such manner and for such purposes as may be prescribed any persons whose assistance or advice it may need in complying with any of the provisions of this Act and a person so associated shall have the right to take part in the discussions of the Corporation relevant to the purposes for which he has been associated, but shall not have the right to vote.

(7) No act or proceeding of the Corporation or of any committee appointed by it under sub-section (5) shall be invalidated merely by reason of—

(a) any vacancy in, or any defect in, the constitution of the Corporation or such committee; or

(b) any defect in the appointment of a person acting as a member of the Corporation or such committee; or

(c) any irregularity in the procedure of the Corporation or such committee not affecting the merits of the case.

Chair-
man.

4. (1) The Chairman of the Corporation shall be appointed by the President after consultation with the Speaker of the House of the People and the Chairman of the Council of States and the selection of a person for the purpose shall be based primarily on considerations of his eminence in public life and distinction in matters such as education, literature, culture, arts, music, dramatics, journalism, administration, management, and technical and legal aspects of broadcasting.

(2) The Chairman shall perform, exercise and discharge such functions, powers and duties of the Corporation as the Corporation may delegate to him.

Director
General.

5. (1) The Director General of the Corporation shall be appointed by the President after consultation with the Chairman.

(2) The Director General shall exercise and discharge such powers and duties of the Corporation as the Corporation may delegate to him.

Term of
offices
condi-
tions of
service
etc., of
mem-
bers.

6. (1) Every member [other than an *ex officio* member referred to in clause (c) or clause (d) of sub-section (4) of section 3] shall, subject to the other provisions of this Act, hold office for a term of five years from the date on which he enters upon his office.

(2) The Chairman and the Director General shall be whole-time members and the other members shall be part-time members.

(3) The Chairman and the Director General shall be entitled to such salaries and allowances and such conditions of service in respect of leave, pension (if any), provident fund and other matters as may be prescribed.

(4) The allowances payable to and other conditions of service of the non-official members shall be such as may be prescribed.

(5) Where before the expiry of the term of office of a person holding the office of Chairman, Director General or a non-official member, a vacancy arises, for any reason whatsoever, such vacancy shall be deemed to be a casual vacancy and the person appointed to fill such vacancy shall hold office for the unexpired period of the term for which his predecessor in office would have held office if such vacancy had not arisen.

Removal
and
suspension of
Chairman
or other
non-
official
members
from
office in
certain
circumstances.

7. (1) Subject to the provisions of sub-section (3), the Chairman shall only be removed from his office by order of the President on the ground of misbehaviour after the Supreme Court, on a reference being made to it by the President, has, on inquiry held in accordance with such procedure as the Supreme Court may by rules provide, reported that the Chairman ought, on any such ground, be removed.

(2) The President may, after obtaining the approval of the Supreme Court, suspend from office the Chairman in respect of whom a reference has been made to the Supreme Court for inquiry under sub-section (1), pending such inquiry.

(3) Notwithstanding anything contained in sub-section (1), the President may, by order, remove the Chairman from office if the Chairman,—

(a) is adjudged an insolvent; or

(b) engages during his term of office in any paid employment outside the duties of his office; or

(c) is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body.

(4) If the Chairman is or becomes in any way concerned or interested in any contract or agreement made by or on behalf of the Corporation or the Government of India or the Government of a State or participates in any way in the profit thereof or in any benefit or emolument arising therefrom otherwise than as a member, and in common with the other members, of an incorporated Company, he shall, for the purpose of sub-section (1), be deemed to be guilty of misbehaviour.

(5) The President may, with the concurrence of the Chairman, remove from office any non-official member, who—

(a) is adjudged an insolvent; or

(b) is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body; or

(c) is guilty of misbehaviour.

Explanation.—For the purposes of clause (c), the provisions of sub-section (4) shall apply in relation to a non-official member as they apply in relation to the Chairman.

(6) The Chairman or any non-official member may resign his office by giving notice thereof in writing to the President and on such resignation being accepted, the Chairman or such member shall be deemed to have vacated the office.

8. (1) The Corporation shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at meetings as may be provided by regulations:

Meetings
of Cor-
pora-
tion.

Provided that there shall not be less than six meetings every year but three months shall not intervene between one meeting and the next meeting.

(2) The Chairman shall preside at the meetings of the Corporation and if for any reason he is unable to attend any meeting, any other member elected by the members present at such meeting, shall preside at the meeting.

(3) All questions which come up before any meeting of the Corporation shall be decided by a majority of the votes of the members present and voting and, in the event of an equality of votes, the Chairman, or in his absence, the person presiding, shall have and exercise a second or casting vote.

9. (1) Subject to such control, restrictions and conditions as may be prescribed, the Corporation may appoint, after consultation with the Recruitment Board such officers and other employees as may be necessary for the efficient performance of its functions.

Officers
and
other
em-
ployees of
Cor-
pora-
tion.

(2) The methods of recruitment of such officers and employees and all other matters connected therewith and the conditions of service of such officers and other employees shall be such as may be provided by regulations.

Establish-
ment of
Recruit-
ment
Board.

10. (1) The Corporation shall, as soon as may be, after the appointed day and in such manner and subject to such conditions and restrictions as may be prescribed, establish for the purposes of section 9, one or more boards to be known as the Recruitment Board or, as the case may be, Recruitment Boards, consisting wholly of persons other than members officers and other employees of the Corporation.

(2) The qualifications and other conditions of service of the members constituting the Recruitment Board, the period for which such members shall hold office shall be such as may be prescribed.

Transfer
of ser-
vice of
existing
emplo-
yees to
Cor-
pora-
tion.

11 (1) Where the Central Government has ceased or ceases to perform any functions which under section 12 are the functions of the Corporations, it shall be lawful for the Central Government to transfer, by order and with effect from such date or dates as may be specified in the order, to the Corporation any of the officers or other employees serving in the Akashvani or Doordarshan and engaged in the performance of those functions:

Provided that no order under this sub-section shall be made in relation to any officer or other employee in the Akashvani or Doordarshan who has, in respect of the proposal of the Central Government to transfer such officer or other employee to the Corporation, intimated within such time as may be specified in this behalf by the Central Government, his intention of not becoming an employee of the Corporation.

(2) In making an order under sub-section (1), the Central Government shall, as far as may be, take into consideration the functions which the Akashvani or, as the case may be Doordarshan has ceased or ceases to perform and the area in which such functions have been or are performed.

(3) An officer or other employee transferred by an order under sub-section (1) shall, on and from the date of transfer cease to be an employee of the Central Government and become an employee of the Corporation with such designation as the Corporation may determine and shall, subject to the provisions of sub-sections (5), (6) and (7) be governed by such regulations as may be made as respects remuneration and other conditions of service including pension, leave and provident fund and shall continue to be an officer or other employee of the Corporation unless and until his employment is terminated by the Corporation.

(4) Nothing contained in sub-section (1) shall apply to the members of the Central Secretariat Service, Central Information Service or any other service or to persons borne on cadres outside Akashvani and Doordarshan or to persons working on deputation in Akashvani or Doordarshan or from any other Ministry or Department of the Central Government or from any State Government or from any organisation.

(5) Every officer or other employee transferred by an order made under sub-section (1) shall, within six months from the date of transfer, exercise his option in writing to be governed,—

(a) by the scale of pay applicable to the post held by him in the Akashvani or Doordarshan immediately before the date of transfer or by the scale applicable to the post under the Corporation to which he is transferred;

(b) by the leave, provident fund, retirement or other terminal benefits admissible to employees of the Central Government in accordance with the rules or orders of the Central Government, as amended from time to time, or the leave, provident fund, or other terminal benefits admissible to the employees of the Corporation under the regulations,

and such option once exercised under this Act shall be final:

Provided that the option exercised under clause (a) by an officer or other employee shall be applicable only in respect of the post under the Corporation to which such officer or other employee is transferred and on appointment to a higher post under the Corporation he shall be eligible only for the scale of pay applicable to such higher post:

Provided further that if immediately before the date of his transfer any such officer or other employee is officiating in higher post under the Government either in a leave vacancy or any other vacancy of a specified duration, his pay on transfer, shall be protected for the unexpired period of such vacancy and thereafter he shall be entitled to the scale of pay applicable to the post under the Government to which he would have reverted or to the scale of pay applicable to the post under the Corporation to which he is transferred, whichever he may opt:

Provided also that when an officer or other employee serving in the Union Ministry of Information and Broadcasting or in any of its attached or subordinate offices is promoted to officiate in a higher post in the Ministry or office subsequent to the transfer to the Corporation of any other officer or employee senior to him in that Ministry or office before such transfer, the officer or other employee who is promoted to officiate in such higher post shall, on transfer to the Corporation, be entitled only to the scale of pay applicable to the post he would have held but for such promotion or the scale of pay applicable to the post under the Corporation to which he is transferred, whichever he may opt.

(6) No officer or other employee transferred by an order made under sub-section (1).—

(a) shall be dismissed or removed by an authority subordinate to that competent to make a similar or equivalent appointment under the Corporation as may be specified in the regulations;

(b) shall be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges:

Provided that where it is proposed after such inquiry to impose upon him any such penalty, such penalty may be imposed on the basis of evidence adduced during such inquiry and it shall not be necessary to give such person an opportunity of making representation on the penalty proposed:

Provided further that clause (b) shall not apply,—

(i) where an officer or other employee is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge; or

(ii) where the authority empowered to dismiss or remove an officer or other employees or to reduce him in rank, is satisfied that for some reason, to be recorded by that authority in writing, it is not reasonably practicable to hold such inquiry;

(iii) an officer or other employee who, after transfer to the Corporation, is appointed to a higher post under the Corporation in response to an open advertisement and in competition with outsiders.

(7) If, in respect of any officer or other employee referred to in sub-section (6), the question arises whether it is reasonably practicable to hold such inquiry as is referred to in that sub-section, the decision thereon of the authority empowered to dismiss or remove him or reduce him in rank, shall be final.

Functions
of Cor-
poration.

12. (1) Subject to the provisions of this Act, it shall be the primary duty of the Corporation to organise and conduct public broadcasting services to inform, educate and entertain the public and to ensure a balanced development of radio and television.

(2) The Corporation shall, in the discharge of its functions, be guided by the following objectives, namely:—

(a) upholding the unity and integrity of the country and the democratic and social values enshrined in the Constitution;

(b) safeguarding the citizen's right to be informed freely, truthfully and objectively of all matters of public interest, national or international and presenting a fair and balanced flow of information including contrasting views, without advocating any opinion or ideology of its own;

(c) paying special attention to the fields of education, agriculture, health and family welfare and science and technology;

(d) giving adequate coverage to the composite culture of the country as well as sports and games;

(e) serving the rural, illiterate and weaker sections of the people, keeping in view the special needs of the youth, social and cultural minorities, the tribal communities, and of those residing in border regions, backward or remote areas;

(f) informing and stimulating the national consciousness in regard to the status and problems of women;

(g) promoting social justice and combating exploitation, inequality, and such evils as untouchability and narrow parochial loyalties;

(h) upholding the secular ideal and promoting a spirit of truth and inquiry in the country among all sections of the people;

(i) taking special steps to protect the interests of children, the blind, the aged, the handicapped and other vulnerable sections of the people;

(j) promoting comprehension and national integration by broadcasting in a manner that facilitates communication in and among all the languages of India; and

(k) providing comprehensive broadcast coverage through the choice of appropriate technology and the best utilisation of the broadcast frequencies available and ensuring high quality reception.

(3) In particular and without prejudice to the generality of the foregoing provisions, the Corporation may take such steps as it thinks fit—

(a) to ensure that broadcasting is conducted as a public service to provide and produce programmes;

(b) to establish a system for the gathering of news for radio and television;

(c) to negotiate for purchase of, or otherwise acquire, programmes and rights or privileges in respect of sports, fixtures and other events, occasions, meetings, functions or incidents of public interests for broadcasting and to establish procedures for the allocation of such programmes, rights or privileges to the services;

(d) to establish and maintain a library or libraries of radio, television and other materials;

(e) to conduct or commission, from time to time programmes, audience research, market or technical service, which may be released to such persons and in such manner and subject to such terms and conditions as the Corporation may think fit;

(f) to provide such other services as may be specified by the regulations.

(4) The Corporation shall be subject to no civil liability on the ground merely that it failed to comply with any of the provisions of this section.

13. (1) The Corporation shall by notification, establish a Complaints Board consisting of one person or such number of persons not exceeding five as it thinks fit to receive and consider the complaints referred to in section 14:

Estab-
lish-
ment of
Com-
plaints
Board.

Provided that where the Complaints Board consists of one person, that person, and where it consists of more persons than one, one at least of such persons shall be a person who is or has been or is qualified to be a Judge of a High Court.

(2) Where the Complaints Board consists of more persons than one, the Corporation shall appoint one of the persons qualified as specified in the proviso to sub-section (1) to be the Chairman of the Board.

(3) Where the Complaints Board consists of more persons than one, the powers and functions of the Complaints Board may be exercised and discharged by benches consisting of two members and constituted by the Chairman of the Board:

Provided that if the members of the bench differ on any point or points, they shall state the point or points on which they differ and refer the same to a third member (to be specified by the Chairman) for hearing of such point or points and such point or points shall be decided according to the opinion of that member.

(4) Notwithstanding anything contained in sub-section (3), where the Complaints Board consists of more persons than one, the Chairman may, if satisfied that consistent with the ends of justice it is necessary so to do for the expeditious disposal of cases, by order in writing,

authorise any of the members thereof to exercise the powers and discharge the functions of the Complaints Board in respect of such classes of cases as he may specify in the order.

(5) Subject to the provision of sub-section (1) the qualifications and other conditions of service of the person or persons constituting the Complaints Board and the period for which such person or persons shall hold office shall be such as may be determined, with the previous approval of the Central Government, by the Corporation.

Juris-
diction
of and
pro-
cedure
to be
follow-
ed by,
the
Com-
plaints
Board.

14. (1) The Complaints Board shall receive and consider complaints from persons claiming themselves to have been treated unjustly or unfairly in any manner (including unwarranted invasion of privacy or misrepresentation) in connection with any programme broadcast by the Corporation.

(2) Every such complaint shall be made in writing within thirty days of the broadcast concerned.

(3) Subject to any regulations that may be made in this behalf, the Complaints Board shall follow such procedure as it may think fit.

(4) If the complaint is found to be justified wholly or in part, the Complaints Board shall advise the Corporation to take appropriate action and shall inform the complainant in writing of the same.

(5) If the complaint is found not to be justified either in whole or in part, the complaint shall be so informed in writing.

Powers
of
Comp-
plaints
Board.

15. (1) The Complaints Board shall, for the purposes of this Act, have the same powers as are vested in a court under the Code of Civil Procedure, 1908, while dealing with a complaint in respect of the following matters, namely:—

(a) enforcing the attendance of any person and examining him on oath or affirmation;

(b) compelling the production of documents; and

(c) issuing commissions for the examination of witnesses.

(2) Subject to any regulations made in this behalf, the Complaints Board may impound and retain in its custody for such period as it thinks fit any documents produced before it while dealing with a complaint under this Act.

CHAPTER III

ASSETS, FINANCES AND ACCOUNTS

Trans-
fer of
certain
assets,
liabili-
ties, etc.,
of Cen-
tral Gov-
ernment
to Cor-
pora-
tion.

16. As from the appointed day—

(a) all property and assets (including the Non-Lapsable Fund and the Renewal and Replacement Fund) which immediately before that day vested in the Central Government for the purpose of Akashvani or Doordarshan or both shall stand transferred to the Corporation;

(b) all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for the Central Government immediately before such day for or in connection with the purposes of Akashvani or Doordarshan or

both shall be deemed to have been incurred, entered into and engaged to be done by, with or for the Corporation;

(c) all sums of money due to the Central Government in relation to the Akashvani or Doordarshan or both immediately before such day shall be deemed to be due to the Corporation;

(d) all suits and other legal proceedings instituted or which could have been instituted by or against the Central Government immediately before such day for any matter in relation to the Akashvani or Doordarshan or both may be continued or instituted by or against the Corporation.

17. For the purposes of enabling the Corporation to discharge its functions efficiently under this Act, the Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Corporation in each financial year such sums of money as that Government considers necessary, by way of grant, loan or otherwise.

Grants
by Cen-
tral Gov-
ernment

18. (1) The Corporation shall have its own Fund and all the receipts of the Corporation (including the amounts which stand transferred to the Corporation) under section 16 shall be credited to the Fund and all payments by the Corporation shall be made therefrom.

Fund of
Cor-
poration.

23 of 1955

(2) All moneys belonging to the Fund shall be deposited in the State Bank of India constituted under the State Bank of India Act, 1955, in such manner as the Corporation may decide.

(3) The Corporation may spend such sums as it thinks fit for performing its functions under this Act and such sums shall be treated as expenditure payable out of the Fund of the Corporation.

19. The Corporation may invest its moneys in the securities of the Central Government or any State Government or in such other manner as may be prescribed.

Invest-
ment of
moneys.

20. (1) The Corporation shall, before the commencement of each year, prepare a statement of programme of its activities during the forthcoming year as well as financial estimates in respect thereof.

Budget
of Cor-
pora-
tion.

(2) The statement prepared under sub-section (1) shall, not less than three months before the commencement of each year, be submitted to the Central Government for its approval.

(3) The statement and the financial estimates of the Corporation, referred to in sub-section (1), may, with the approval of the Central Government, be revised by the Corporation.

21. (1) The Corporation shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form and in such manner as may be prescribed.

Accounts
and
audit of
Corpora-
tions.

(2) The accounts of the Corporation shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Corporation to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Corporation shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Corporation.

(4) The accounts of the Corporation as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

CHAPTER IV

MISCELLANEOUS

Power of
Central
Govern-
ment
to give
direc-
tions

22. The Central Government may, from time to time, issue to the Corporation such directions as it may think necessary for the efficient administration of this Act, and a copy thereof shall be laid before each House of Parliament.

Chair-
man,
mem-
bers, etc.,
to be
public
servants.

23 The Chairman, members and every officer or other employee of the Corporation and every member of a Committee constituted under sub-section (5) of section 3 and every member of the Complaints Board and the Recruitment Board shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

45 of 1860

Protec-
tion of
action
taken in
good
faith.

24. No suit or other legal proceeding shall lie against the Corporation, the Chairman, member or any officer or any other employee of the Corporation or a member of the Complaints Board or a Recruitment Board for anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or regulations made thereunder.

Authen-
tication
of orders
and
other
Instru-
ments of
Corpora-
tion.

25. All orders and decisions of the Corporation shall be authenticated by the signature of the Chairman or any other member authorised by the Corporation in this behalf and all other instruments executed by the Corporation shall be authenticated by the signature of the Director General or by any officer of the Corporation authorised by the Corporation in this behalf.

Delega-
tion of
powers.

26. The Corporation may, by general or special order, delegate to the Chairman or any other member or to any officer of the Corporation, subject to such conditions and limitations, if any, as may be specified therein, such of its powers and duties under this Act as it may deem fit.

Annual
report.

27. The Corporation shall prepare once in every calendar year, in such form and within such time as may be prescribed, an annual report giving a full account of its activities during the previous year and copies thereof shall be forwarded to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

28. (1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.

Power
to make
rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the manner in which and the purposes for which the Corporation may associate with itself any person under sub-section (6) of section 3;

(b) the salaries and allowances and conditions of service in respect of leave, pension (if any), provident fund and other matters in relation to the Chairman and the Director General under sub-section (3) of section 6;

(c) the allowances payable to, and other conditions of service of, the non-official members under sub-section (4) of section 6;

(d) the control, restrictions and conditions subject to which the Corporation may appoint officers and other employees under sub-section (1) of section 9;

(e) the manner in which and the conditions and restrictions subject to which a Recruitment Board may be established under sub-section (1) of section 10;

(f) the qualifications and other conditions of service of the members of a Recruitment Board and their period of office under sub-section (2) of section 10;

(g) the manner in which the Corporation may invest its moneys under section 19;

(h) the form and the manner in which the annual statement of accounts shall be prepared under sub-section (1) of section 21;

(i) the form in, and the time within, which the Corporation may prepare an annual report under section 27;

(j) any other matter which is required to be or may be prescribed.

29. (1) The Corporation may, by notification, make regulations not inconsistent with this Act and the rules made thereunder for enabling it to perform its functions under this Act.

Power
to make
regu-
lations.

(2) Without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(a) the times and places at which meetings of the Corporation shall be held and, the procedure to be followed thereat, and the quorum necessary for the transaction of the business at a meeting of the Corporation under sub-section (1) of section 8;

(b) the methods of recruitment and conditions of service of officers and other employees of the Corporation under sub-section (2) of section 9;

(c) the remuneration and other conditions of service, including pension, leave and provident fund in relation to an officer or other employee of the Corporation under sub-section (3) of section 11;

(d) the authority competent to make certain appointments referred to in clause (a) of sub-section (6) of section 11;

(e) the services which may be provided by the Corporation under clause (f) of sub-section (3) of section 12;

(f) the procedure which the Complaints Board may follow under sub-section (3) of section 14;

(g) the period for which the Complaints Board may impound and retain in its custody any documents under sub-section (2) of section 15;

(h) any other matter in respect of which provision is, in the opinion of the Corporation, necessary for the performance of its functions under this Act.

Rules
and
regula-
tions to
be laid
before
Parlia-
ment.

30. Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation, or both Houses agree that the rule or regulation, should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

Power to
remove
difficul-
ties.

31. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, publish in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as it may deem necessary, for the removal of the difficulty:

Provided that no such order shall be made after the expiry of a period of three years from the appointed day.

STATEMENT OF OBJECTS AND REASONS

It is desirable to confer autonomy on Akashvani and Doordarshan in order to ensure their functioning in a fair and objective manner. In pursuance of this policy, the Janata Government had appointed a Working Group headed by Shri B. G. Verghese to examine the functioning of these media and to make recommendations regarding their future set up. The Working Group submitted its report in March, 1978.

2. Against the background of the recommendations of the Working Group, this Bill proposes to provide for the establishment of an autonomous corporation to be known as 'Prasar Bharati' and to entrust to it the functions which are at present discharged through Akashvani and Doordarshan. The intention is that the proposed Corporation should function as 'a genuinely autonomous body which is innovative, dynamic, flexible, democratic, and responsive to its opportunities and to the people of India whom it is designed to entertain, inform and educate'.

3. The Bill seeks to achieve the above objects. In addition to making provisions as to the establishment and composition of the Corporation, appointment and removal of the members of the Corporation, transfer of properties and funds at present vested in the Central Government for the purpose of Akashvani and Doordarshan to the Corporation, transfer of employees of Akashvani and Doordarshan to the Corporation and other ancillary matters, the Bill also provides for the establishment of a Complaints Board to deal with complaints about programmes broadcast by the Corporation.

NEW DELHI;
July 17, 1985.

MADHU DANDAVATE

FINANCIAL MEMORANDUM

Clause 3(1) of the Bill provides for the establishment of Prasar Bharati (Broadcasting Corporation of India). Clauses 4(1), 5(1) and 3(4) (b), (c) and (d) of the Bill provide respectively for the appointment of the Chairman, the Director General, the non-official members and *ex-officio* members. Clause 6(3) of the Bill envisages that the salary and allowances and other conditions of service of the Chairman and the Director General of the Corporation be such as may be prescribed. Clause 6(4) provides that the allowances payable to and other conditions of service of the non-official members shall be such as may be prescribed.

2. Clause 9 of the Bill provides for appointment of officers and other employees of the Corporation and for their conditions of service. Clause 10(1) provides for establishment of Recruitment Board or Boards. Clause 10(2) envisages that the qualifications and other conditions of service of the members of the Recruitment Board or Boards be such as may be prescribed.

3. Clause 13(1) of the Bill provides for the establishment of a Complaints Board. Clause 13(5) envisages that the qualifications and conditions of service of the person or persons constituting the Complaints Board shall be such as may be determined by the Corporation with the previous approval of the Central Government.

4. Clause 16(a) of the Bill provides for the transfer of all the existing gross assets of Akashvani and Doordarshan to the Corporation. These are estimated to be about Rs. 95 crores. It also provides for the transfer of the un-spent balance in the Non-Lapsable Fund of about Rs. 30 crores and also the un-spent balance of the Renewal and Replacement Fund amounting to about Rs. 3 crores. Clause 16(b) provides for the transfer of existing debts, obligations, liabilities and all contracts entered into by the Central Government on behalf of Akashvani and Doordarshan to the Corporation. Clause 16(c) provides for the transfer of all sums of money due to the Central Government in relation to Akashvani and Doordarshan to the Corporation. Clause 17 provides for the grant of such sums of money as may be determined by the Central Government to the Corporation by way of grant, loan or otherwise. These sums will be paid to the Corporation after a due appropriation by Parliament by law.

5. The salaries and other conditions of service of the members of the Corporation, Complaints Board and the Recruitment Board or Boards are to be prescribed by rules after the Corporation is set up. It is, therefore, not possible to give precise details of the expenditure involved. The Corporation's deficit is estimated to be about Rs. 6.58 crores on revenue account. This may go up progressively. The Plan Outlay for 1979-80 on capital account is Rs. 13.1 crores. It is expected to be Rs. 23.15 crores in 1980-81. Funds have to be provided by Central Government accordingly, after due appropriation by Parliament. The Corporation will retain income from Commercial Broadcasting amounting to about Rs. 12 crores per annum.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 28 of the Bill seeks to empower the Central Government to make rules for carrying out the provisions of the Act. The matter in respect of which such rules may be made relate *inter alia* to the manner in which and the purposes for which the Corporation may associate with itself any person in complying with any of the provisions of the Act, the salary and allowances and conditions of service and other matters in relation to the Chairman and Director General, the allowances payable to and other conditions of service of the non-official members, the control, restrictions and conditions subject to which the Corporation may appoint officers and other employees, the manner in which and the conditions and restrictions subject to which a Recruitment Board may be appointed, the qualifications and other conditions of service of the members of such a Board, etc.

2. Clause 29 of the Bill seeks to empower the Corporation to make regulations not inconsistent with the Act and the rules thereunder for enabling it to perform its functions under the Act. The matters in respect of which such regulations may be made relate *inter alia* to the time and place at which meetings of the Corporation shall be held and the procedure to be followed thereat, and the quorum necessary at such meetings, the recruitment and conditions of service of officers and other employees of the Corporation, the period for which the Complaints Board may impound and retain in its custody any document, the procedure which the Complaints Board may follow in considering any complaints, etc.

3. The matters in respect of which rules may be made under clause 28 of the Bill and the matters in respect of which regulations may be made under clause 29 of the Bill are all matters of detail or procedure or matters for which it is not practicable to make provision in the Act. Further, as provided in clause 30 of the Bill, the rules and regulations have to be laid before Parliament. Hence, the delegation of legislative power is of a normal character.

BILL NO. 149 OF 1985

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

Short
title and
commen-
cement.

1. (1) This Act may be called the Constitution (Amendment) Act, 1985.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amend-
ment of
article
311.

2. In article 311 of the Constitution,—

(i) in clause (2), for the second proviso, the following proviso shall be substituted, namely:—

“Provided further that this clause shall not apply where a person is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge.”; and

(ii) clause (3) shall be omitted.

STATEMENT OF OBJECTS AND REASONS

A constitution bench of the Supreme Court by a 4—1 majority has delivered a judgement arming the executive with sweeping powers and has held that a Government servant could be dismissed or removed from service without an inquiry under article 311(2) of the Constitution in 'public interest' and for 'public good'. By the judgement, the principle of natural justice and a fair trial with a reasonable opportunity to the accused to defend himself have been ignored. This Bill seeks suitable amendment of article 311 of the Constitution so as to provide adequate opportunities to the Government servants to seek natural justice.

NEW DELHI;

MADHU DANDAVATE.

July 29, 1985.

BILL NO. 141 OF 1985

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

Short
title

1. This Act may be called the Constitution (Amendment) Act, 1985.

Insertion
of new
article
15A.

2. After article 15 of the Constitution, the following new article shall be inserted, namely:—

Right to
employ-
ment.

“15A. (1) All citizens shall have the right to employment.

(2) Any citizen who cannot be provided with employment shall be given an unemployment allowance at a rate to be fixed by a statutory authority appointed by the Government of India”

STATEMENT OF OBJECTS AND REASONS

By a modest estimate there are sixty million unemployed in India. Each year, over eight million job-seekers are coming afresh into the employment market and from all indications, a majority of them join the ranks of the unemployed. The ever-increasing joblessness is creating a sense of frustration and despondency among the country's youth, and this in turn is creating social problems including law and order situations.

Unless the State takes upon itself the responsibility to secure jobs to the unemployed, there can be no solution to this grave problem. In the event of the State being unable to provide jobs, it should provide unemployment relief in monetary terms to such unemployed persons.

The Bill seeks to make the right to employment a fundamental right that is justiciable.

NEW DELHI;
June 28, 1985.

THAMPAN THOMAS

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that any citizen who cannot be provided with employment shall be given an unemployment allowance at a rate to be fixed by an authority appointed by the Central Government. The Bill, if enacted, will therefore involve expenditure from the Consolidated Fund of India. Assuming that an allowance of rupees one hundred per month is paid to the unemployed citizens, it will involve a recurring expenditure of about rupees eight hundred crores per annum.

It is also likely to involve a non-recurring expenditure of about rupees fifty lakhs.

BILL NO. 143 OF 1985

A Bill to provide for pension, provident fund, minimum wages and other amenities for agricultural workers.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Agricultural Workers (Payment of Pension, Fixation of Minimum Wages, Compulsory Insurance and other Amenities) Act, 1985.

Short
title,
extent
and
com-
mence-
ment.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. A pension of rupees one hundred per month shall be paid by the Government to all agricultural workers above the age of sixty years.

Payment
of pen-
sion to
agricul-
tural
workers.

3. (1) The provident fund facilities shall be extended to the agricultural workers and for that purpose the Central Government may, by notification in the Official Gazette, frame a scheme to be called the Agricultural Workers Provident Fund Scheme.

Agri-
cultural
Workers
Provident
Fund
Scheme.

(2) In particular and without prejudice to the generality of the foregoing power to frame the scheme,—

(a) the Government and the employer of agricultural workers each shall contribute separately to the provident fund at a rate of six and a quarter per cent. of the wages payable to each of the agricultural workers employed by an employer;

(b) the expenditure on enforcement of the scheme shall be borne by the Government;

(c) the agricultural workers shall be required to contribute two per cent. of the total wages to the provident fund.

Minimum wages of agricultural workers.

4. An agricultural worker shall be paid a minimum wage of fifteen rupees per day or ten rupees *plus* foodgrains for the rest of the amount per day.

Insurance of agricultural workers.

5. (1) Every agricultural worker shall be insured for rupees ten thousand to cover the risk of death while working on the farm.

(2) The agricultural worker shall contribute rupees two per month and the Government and the employer shall contribute rupees five each per month towards the insurance cover.

Maternity allowance.

6. A maternity allowance of rupees fifty per month shall be paid by the Government to women agricultural workers for the period of three months and one month's maternity leave shall be given with full wages.

Power to make rules.

7. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Bill.

(2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions, aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall therefore have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The agricultural workers in the country are the worst sufferers as when the age goes up they are not able to serve any more, with the result that they remain unemployed and their daily living becomes miserable. After having put in a long service on the farm for about 60 years of their life, earning a livelihood for their children, they become invalid and their families suffer. No provident fund and other facilities are available to the agricultural workers so far in comparison to labourers in various other industries. There is a need for paying the minimum wages to the agricultural workers as in other cases and there is genuine need to cover the risk of death of the agricultural workers while working on the farm. It is, therefore, necessary that some kind of an allowance is paid to them after they attain the age of 60 years when they become ineffective in working. Some compensation is necessary for their long service on the farm. It is, therefore, high time that legislation to achieve these objectives is enacted in the country.

Hence this Bill.

NEW DELHI;
July 2, 1985.

B. V. DESAI.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for payment of pension to agricultural workers above the age of 60 years at the rate of Rs. 100 per month. Clause 3 provides that contribution by the Government to the Agricultural Workers Provident Fund at the rate of six and a quarter per cent. of the wages payable to each of the agricultural workers and the expenditure on the enforcement of the Agricultural Workers Provident Fund Scheme is to be borne by the Central Government. Clause 5 provides for compulsory insurance to cover the risk of the agricultural workers. Clause 6 provides for payment of maternity allowance of Rs. 50/- per month to women agricultural workers for a period of three months and for one month's maternity leave with full wages. An annual recurring expenditure of about rupees three hundred and fifty crores is, therefore, likely to be involved from the Consolidated Fund of India on the implementation of the provisions of the Bill, if enacted.

A non-recurring expenditure of about rupees fifty crores is also likely to be incurred from the Consolidated Fund of India for the purpose of providing an administrative machinery by the Central Government for carrying out the purposes of the Bill.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill provides for the Central Government to frame a scheme to be called the Agricultural Workers Provident Fund Scheme. Clause 7 empowers the Central Government to frame rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, the delegation of the legislative power is of a normal character

BILL NO. 144 OF 1985

A Bill to provide representation in Parliament and State Legislatures to Indian nationals living abroad.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Nationals Living Abroad (Representation in Parliament and State Legislatures) Act, 1985.

Short
title,
extent
and
com-
mence-
ment.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Notwithstanding anything contained in any other law for the time being in force,—

Right to
vote and
to contest
elections
to Indian
nationals
abroad.

(i) all the Indian nationals who have not acquired the citizenship of the country in which they are living and retain their Indian citizenship may exercise their franchise in elections to the House of the People and to the Legislative Assemblies of States;

(ii) any such national, mentioned in clause (i), shall be allowed to contest the election to the Parliament as well as to the State Legislatures;

(iii) the names of the Indian nationals living abroad shall continue to be registered in the electoral rolls of the constituency in which they were registered as voters before leaving the country.

Diploma-
tic and
Consular
Officers
to assist
Election
Commis-
sion and
to work
as Electro-
ral Officer.

3. The Head of Diplomatic Mission and/or Consular Officer of the Government of India in the foreign country shall be designated as an Electoral Officer for the purpose of conducting an election and shall assist the Election Commission in conducting the election.

Prepara-
tion of
separate
electoral
rolls of
Indian
nationals
abroad.

4. The Election Commission shall prepare separate electoral rolls of Indian nationals living abroad for each constituency referred to in clause (iii) of section 2.

STATEMENT OF OBJECTS AND REASONS

Over the years a large body of Indian nationals have come to reside ordinarily in foreign countries. They continue to take keen interest in the affairs of the country and represent India in a true sense but are unable to exercise their franchise because there is no machinery in existence to enable them to register themselves as voters or to vote in the elections.

For various reasons it is impracticable for Indian nationals living abroad to be registered as voters at their permanent residences in India and even if a citizen is registered, it is impracticable for him to receive the ballot paper and to cast his vote in his home constituency.

Keeping in view this difficulty, a new approach to the problem is proposed. Such persons should be represented in Parliament and State Legislatures as representatives of Indian nationals living abroad. Such representatives would be able to focus attention on the problems and reflect aspirations of the Indian community they represent and bring to bear on national affairs the views of their constituents and their experience.

This will remove a genuine grievance of Indian nationals living abroad and strengthen their emotional bonds with their country of origin.

Hence this Bill.

NEW DELHI;
July 2, 1985.

B. V. DESAI

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides that the Election Commission shall prepare separate electoral rolls of Indian nationals residing abroad. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees four lakhs per annum.

It is also likely to involve a non-recurring expenditure of about rupees fifty thousand.

BILL NO. 150 OF 1935

A Bill to provide for ceiling on marriage expenses.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

- | | |
|--|---|
| 1. (1) This Act may be called the Ceiling on Marriage Expenses Act, 1935. | Short title, extent and commencement. |
| (2) It extends to the whole of India. | |
| (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint. | |
| 2. In this Act, "marriage expenses" means expenditure incurred during marriage on invitation cards, illuminations, fireworks, luncheon, dinner, ornaments and gifts. | Definition. |
| 3. The marriage expenses shall be limited to—
(i) not more than rupees ten thousand in the case of a male; and
(ii) not more than rupees fifteen thousand in the case of a female. | Ceiling on marriage expenses. |
| 4. The limit on marriage expenses, as provided under section 3, shall be applicable to all marriages in India irrespective of caste, colour or creed of the bride or the bridegroom. | Ceiling on marriage expenses to be applicable to all. |
| 5. Any violation of the limit proposed under section 3 shall be punishable with fine upto rupees ten thousand and imprisonment upto two years. | Punishment. |
| 6. (1) Not more than two hundred guests, one hundred each from the side of the bride and the bridegroom, shall be invited to any function organised for the solemnization of a marriage. | Ceiling on number of guests. |
| (2) Any violation of the provisions of sub-section (1) shall be punishable with fine upto rupees ten thousand or with imprisonment upto two years or with both. | |

STATEMENT OF OBJECTS AND REASONS

Marriages in India are performed by spending lavishly. There have been occasions where the expenses on marriage incurred are to the tune of Rs. 1 crore. This has resulted in corruption in almost all walks of life and such lavish expenditure compels persons to use corrupt practices in their official dealings. All "rituals" are performed traditionally in society due to religious sanctions or false concepts about the status of the upper classes. It is, therefore, absolutely necessary to fix a ceiling on total expenditure on marriages. A limit on the number of guests to a marriage function should also be imposed to reduce expenditure and to stop wastage of food. Any violation of the restrictions should be punishable with fine and imprisonment.

Hence this Bill.

NEW DELHI;
July 1, 1985.

B. V. DESAI

BILL NO. 152 OF 1985

A Bill to provide for small family promotion and motivation and other measures for population control.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Compulsory Population Control (Small Family Promotion and Motivation) Act, 1985.

Short
title and
commen-
cement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Defini-
tions.

(a) “operation” means an operation for the purpose of birth control;

(b) “person” means a male or female who is married;

(c) “small family” means a family consisting of husband, wife and three children, male or female,

Incentives for birth control operations.

3. Every person, who undergoes an operation after having two children, shall be given by the Government the following incentives, namely:—

- (a) suitable employment, if the person is unemployed;
- (b) free education to his children upto the senior secondary stage including supply of books, exercise books and uniforms free of any charge;
- (c) allotment of a plot of land for building a house or a built-up house on priority basis;
- (d) grant of loan for building a house or purchasing a built-up house;
- (e) fifty per cent charges will be met by the Government for one of his sons or daughters for higher technical education.

Incentives for Government servants.

4. Where a Government servant or his/her spouse undergoes an operation after having one child, he/she shall, in addition to the incentives provided for in section 3, shall be given the following incentives, namely:—

- (a) two advance increments with effect from the first day of the calendar month in which the Government servant or his/her spouse undergoes the operation;
- (b) allotment of Government accommodation within a period of six months from the date of the operation.

Establishment of Small Family-cum-Child Care Centres.

5. (1) There shall be established Small Family-cum-Child Care Centres, hereinafter called the Centre, by the Government for every one hundred of population in rural areas and for every one thousand of population in urban areas.

(2) The Centre shall guide the married persons in the use of preventive methods of birth control and provide them with suitable birth control devices free of any charge.

(3) There shall be made adequate arrangements at every Centre for carrying out birth control operations, post-operation care of the persons who undergo operation and supply of necessary medicines/medical treatment to them free of any charge.

STATEMENT OF OBJECTS AND REASONS

The most crucial problem facing the country at present is the increase in population. The population of India is a growing phenomenon and to check its growth it is necessary that the problem should be tackled at all levels. During the 30 years between 1951 to 1981, while the Gross National Product has increased by 50 per cent, the population has exploded by 108 per cent. It is, therefore, of paramount importance that the Government should take serious steps to check the growth of population in the country with a view to achieving rapid economic progress and raising the standard of living of people. The States should lay down the norms of small family and provide incentives, both monetary and material, to those who practise family planning and adopt small family norms. Compulsory small family is a very healthy and essential step to be taken by the Government.

Hence this Bill.

NEW DELHI;

B. V. DESAI

July 1, 1985.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for suitable employment to such persons who are unemployed, free education to their children, including free supply of books, uniforms, etc., allotment of a plot of land for building a house or a built-up house and grant of house building loan to such persons who undergo birth control operation after having two children. Clause 4 provides for payment of two advance increments and allotment of Government accommodation to such persons who are Government servants and who undergo an operation after having one child. Clause 5 provides for establishment of Small Family-cum-Child Care Centres by the Government, free arrangements at these Centres for carrying out birth control operations, post operation care and supply of medicines free of any charge. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India on implementation of these provisions in the Union territories and at the same time towards making grants-in-aid to the States to meet a part of this expenditure. An annual recurring expenditure of about rupees five crores is estimated to be incurred from the Consolidated Fund of India on this account.

A non-recurring expenditure of about rupees ten crores is also likely to be incurred for carrying out the purposes of the Bill.

BILL NO. 146 OF 1985

A Bill to provide for regulation and control of technical servicing units in the country.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Regulation and Control of Technical Servicing Units Act, 1985.

Short
title,
extent
and
com-
mence-
ment.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires, "technical servicing unit" means and includes any person or any body corporate engaged in the servicing of any technical equipment including electrical, mechanical and electronic equipment and automobiles and such other items.

Defi-
nition.

Regulation and control of technical servicing units.

3. Notwithstanding anything contained in any other law for the time being in force, the State Government or the Union Territory Administration, as the case may be, shall regulate and control effectively the setting up of and working of any technical servicing unit in their respective territories in accordance with the norms laid down by the Technical Servicing Units Institute under sub-section (2) of section 4.

Setting up of a Technical Servicing Units Institute.

4. (1) The Central Government shall set up an Institute to be known as "The Technical Servicing Units Institute" with its headquarters at Delhi and regional offices in the State capitals.

(2) The Institute shall be represented by technical experts in various fields and it shall lay down norms for effective control and regulation of all types of technical servicing units in the country.

STATEMENT OF OBJECTS AND REASONS

During the post independence era, with the massive industrial growth of the country, there is a long felt need for enacting some suitable legislation for effective control of the technical servicing units.

It is being observed that in almost all the technical fields, persons or bodies corporate have set up servicing units and are carrying on servicing jobs without any control or technical qualifications. These units have been using tools for servicing purposes without any standards.

Be it automobile or electronics, there is a mushroom growth of self styled servicing units which neither have the necessary expertise nor the requisite tools to carry on their jobs properly. It has resulted, some times, in huge financial losses to consumers as their valuable gadgets are spoiled by these units.

The present Bill is the need of the hour and unless it is enacted immediately, it would create a lot of chaos in both the consumer world as well as in the fields of various technical industries.

Hence this Bill.

NEW DELHI;

July 8, 1988.

JAYANTI PATNAIK.

FINANCIAL MEMORANDUM

Clause 4(1) of the Bill provides for setting up of a Technical Servicing Units Institute with its headquarters at Delhi and the regional offices in the State capitals. The proposed set up would involve a recurring annual expenditure of about rupees fifty lakhs from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one crore is also likely to be incurred from the Consolidated Fund of India on setting up of the Institute and its regional offices.

BILL NO. 151 OF 1985

A Bill to provide for incentives to those who would restrict their families by using family planning devices.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

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|---|---|
| <p>1. (1) This Act may be called the Family Restriction Incentives Act, 1985.</p> <p>(2) It extends to the whole of India.</p> <p>(3) It shall come into force at once.</p> <p>2. In this Act, unless the context otherwise requires,—</p> <p>(a) “family” entitled to receive incentives mentioned in section 3, would mean and include those families which consist of parents and two children;</p> <p>(b) “incentives” mean and include additional benefits mentioned in section 3, which the State shall provide to such families.</p> | <p>Short title, extent and commencement.</p> <p>Definitions</p> |
|---|---|

Provision
of incen-
tives for
family
planners

3. The State shall provide following incentives to the families restricting their size to the limit as provided under clause (a) of section 2 by adopting various family planning methods, namely:—

(a) free education to children upto the age of eighteen years or upto graduation level, whichever is earlier;

(b) priority in the matter of allotment of Government accommodation to Government employees and/or priority in the allotment of ready built house/flats by the agencies under the control of the State;

(c) in the case of non-Government employees, priority in the allotment of houses/flats by the agencies under the control of the State;

(d) free medical facilities for such families;

(e) priority in the supply of essential commodities to such families from the public distribution system; and

(f) any other incentive which the Government may decide to provide.

Power
to make
rules.

4. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session, or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

It has been our avowed objective and earnest endeavour to achieve the twin goals of social development as well as economic development within the framework of the present democratic system as envisaged in our Constitution. However, it is observed that achievement of goal of economic growth has no meaning and the lot of masses could not be improved unless mouths to be fed are kept within the desired limit.

Keeping this in view, our country has been pursuing a policy of voluntary family planning programme. Our Prime Minister Shrimati Indira Gandhi, while receiving the population award given by the United Nations Organisation stated that India had "not and shall not use coercion" in its family planning programme.

Given the above objective, the country has to achieve the goal of family planning at a speedier rate. This is possible only when we legalise the incentives being given to those who adopt small family norms. There had been so far a hapazard approach in providing these incentives.

The Bill spells out in clear terms the incentives which should be given to those who plan their families. Undoubtedly, if the present Bill is enacted, it would give the necessary impetus to the Family Planning Programme of our country.

Hence this Bill.

NEW DELHI;

JAYANTI PATNAIK

July 8, 1985.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for free education to children upto eighteen years of age or upto graduation level, free medical facilities and giving of any other incentive, which the Government may decide to give, to the families of those persons who restrict the size of their families. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees twenty-five crores per annum.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill empowers the Central Government to make rules for carrying out the purpose of the Bill.

Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

SUBHASH C. KASHYAP,
Secretary-General.